

Verizon sues county over its cable franchise law

■ County says the company won't follow its rules

Verizon has sued Montgomery County, saying that the county's cable franchising process is unconstitutional. The lawsuit, filed Friday in U.S. District Court in Greenbelt,

Council Notes JANEL DAVIS

seeks a preliminary injunction invalidating the county's cable franchising law and directing the county to negotiate a franchise agreement allowing Verizon to provide cable television service within 60 days.

"We would prefer to reach agreement on a franchise that would offer Montgomery County consumers more choice for their cable services, but after a year of essentially fruitless negotiations, we are at an impasse," John P. Frantz, Verizon vice president and associate general counsel, said in a statement.

County officials said they intend to fight the lawsuit.

"The county cable franchise process had been clearly spelled out in the Montgomery County code since 1982. ... The county repeatedly expressed to Verizon and acted upon the county's commitment to expedite the franchise agreement, but it takes two parties to negotiate," said Chief Administrative Officer Bruce E. Romer.

Montgomery already has cable franchise agreements with Comcast and RCN.

"Verizon just doesn't want to play by the same rules as everyone else," said County Councilwoman Marilyn J. Praisner (D-Dist. 4) of Calverton, who chairs the Management and Fiscal Policy committee, which oversees cable franchises. "This lawsuit is not really about Montgomery County. It is Verizon's attempt to influence federal legislation."

No court date had been scheduled, said Verizon spokesman Harry Mitchell.

Smoking ban update

Restaurant sales tax receipts continue to rise almost three years after the county enacted its smoking ban in bars and restaurants, County Councilman Philip M. Andrews said Monday.

Andrews was joined at the Rockville news conference by county executive candidate and former county executive Ishak Leggett (D), who sponsored the original smoking ban in 1999. The ban was thrown out by the court for technical reasons, and Andrews reintroduced the bill, which passed and became law in 2003.

state Comptroller's Office that show a 19 percent increase in sales tax receipts from county restaurants since October 2003 when the law took effect — from \$57 million in 2002 to \$68 million in 2005. Data for the first three months this year show \$11.6 million in sales tax receipts.

"[Montgomery's] law has had a ripple effect, and hopefully the ripple will continue all the way to Annapolis next year," said Andrews (D-Dist. 3) of Gaithersburg.

Calls to the state restaurant owners association were not returned.

Sen. Ida C. Ruben (D-Dist. 20) of Silver Spring has fought unsuccessfully to get a statewide smoking ban passed by the General Assembly since 2004.

This week's announcement this week follows a report by the U.S. Surgeon General, which concluded that there are no safe levels of exposure to secondhand smoke. Last year University of Maryland and Roswell Park Cancer Institute researchers found that restaurant smoking bans had no effect on restaurant tax revenue in area jurisdictions, including Montgomery County.

Since Montgomery's law took effect, Prince George's, Howard, Talbot and Charles counties, as well as Washington, D.C., have passed similar laws. Rockville, Gaithersburg, Takoma Park and other municipalities have adopted similar laws.

Montgomery County's 2003 ban followed a similar ordinance enacted in New York City in December 2002.

Free bus rides

Ride On is offering free bus rides to people 65 and older and to people with disabilities from 9:30 a.m. to 3 p.m. Monday through Friday.

Seniors must show either a Metro Senior Reduced Fare Identification Card or a Medicare Card and valid photo identification (driver's license, passport, or state issued identification card). People with disabilities and, if applicable, their attendant, must show a Metro Disabled Identification Card or Metro Disabled "Attendant Eligible" ID card.

ID card applications are available at county senior centers, libraries, The Commuter Express store in Silver Spring and at regional service centers. Call 240-777-7433 or 240-777-5868 (TTY).

Hat in the ring

Takoma Park City Councilman Marc Elrich will formally announce his candidacy for an at-large seat on the County Council on Saturday in Silver Spring.

Elrich (D) earlier had been a candidate for the District 5 seat being vacated by Thomas E. Perez (D), who is running for attorney general. Last month, Elrich dropped out of that race when school board member Vale + (D) announced for the



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